

HOUSE BILL NO. 315

INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BREWERY THAT MANUFACTURES LESS THAN 60,000 BARRELS OF BEER A YEAR TO OPERATE A SAMPLE ROOM; REQUIRING THAT THE SAMPLE ROOM CLOSE AT 12 A.M.; DELETING THE DAILY LIMITATION ON THE AMOUNT OF MALT BEVERAGE THAT MAY BE SOLD OR GIVEN TO EACH CUSTOMER; AND AMENDING SECTIONS 16-3-213 AND 16-3-214, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 16-3-213, MCA, is amended to read:

"16-3-213. Brewers or beer importers not to retail beer -- small brewery exceptions. (1) Except as provided for small breweries in subsection (2), it is unlawful for any brewer or breweries or beer importer to have or own any permit to sell or retail beer at any place or premises. It is the intention of this section to prohibit brewers and beer importers from engaging in the retail sale of beer. This section does not prohibit breweries from selling and delivering beer manufactured by them, in original packages, at either wholesale or retail.

(2) (a) For the purposes of this section, a "small brewery" is a brewery that has an annual nationwide production of not less than 100 barrels or more than 10,000 barrels.

(b) A small brewery that manufactures less than 60,000 barrels of beer a year may, at one location for each brewery license, provide samples of beer that were brewed and fermented on the premises in a sample room located on the licensed premises. The samples may be provided with or without charge between the hours of 10 a.m. and ~~8 p.m.~~ 12 a.m. ~~No more than 48 ounces of malt beverage may be sold or given to each individual customer during a business day.~~

Section 2. Section 16-3-214, MCA, is amended to read:

"16-3-214. Beer sales by brewers -- sample room exception. (1) Subject to the limitations and restrictions contained in this code, a brewer who manufactures less than 60,000 barrels of beer a year, upon payment of the annual license fee imposed by 16-4-501 and upon presenting satisfactory evidence to the department as required by 16-4-101, must be licensed by the department, in accordance with the provisions of

1 this code and rules prescribed by the department, to:

2 (a) sell and deliver beer from its storage depot or brewery located in Montana to:

3 (i) a wholesaler; ~~or~~

4 (ii) any retail licensees who are entitled to purchase beer from a brewer under this code; or

5 (iii) the public; ~~or~~

6 (b) provide its own products for consumption on its licensed premises without charge or, if it is a small
7 brewery, provide its own products at a sample room as provided in 16-3-213; or

8 (c) do any one or more of the acts of sale and delivery of beer as provided in this code.

9 (2) A brewery may not use a common carrier for delivery of the brewery's product to the public.

10 (3) An additional license fee may not be imposed on a brewery providing its own products on its
11 licensed premises for consumption on the premises.

12 (4) This section does not prohibit a brewer located outside of Montana from shipping and selling beer
13 directly to a wholesaler in this state under the provisions of 16-3-230."

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